

**OPINION  
61-123**

September 25, 1961            (OPINION)

GOVERNOR

RE: Powers - Investigation of State Institutions and Departments

We have your letter of September 21, 1961, wherein you state that you desire to establish a task force of qualified investigators to investigate policies and practices in several state institutions and state departments, and you ask us to outline your powers to conduct such investigation and how the cost can be paid.

As Governor you possess no prerogative powers but only such powers as are conferred upon you by the Constitution or the laws of this state. Since neither the Constitution of this state nor the statutes authorize you as Governor to institute such a plan you would be without authority to do so. The Legislature could of course confer upon your office this authority and could appropriate money to defray the expense thereof. Our Legislature in 1941 authorized the then Governor to investigate several state institutions and departments and appropriated funds to pay the expense thereof. However, without such legislative authority the Governor would be powerless to act.

As chief executive officer of the state and responsible for the faithful execution of the laws, we believe you could under section 54-07-01 of the North Dakota Century Code ask state officials and department and institution heads for reports on the operation of their respective offices, departments, and institutions, and could if you deem it necessary, ask for audits or examinations of these offices, institutions, or departments. Any law violations if found should be brought to the attention of the State's Attorney of the County in which the office, institution, or department is located for prosecution. You are further authorized by law to require this office to assist any State's Attorney in the discharge of his duties.

LESLIE R. BURGUM

Attorney General